

DAVID R. FISCHER, ESQ.
Nevada Bar No. 010348
400 South 4th Street, Suite 500
Las Vegas, NV 89101
(702) 547-3944
(702) 974-1458 Fax
Attorney for Defendant – MARTIN GARCIA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	
)	2:16-mj-200-GWF
)	(2 nd Request)
Plaintiff,)	
)	
v.)	
)	
FRED OAXACA, et al.,)	
)	
)	
Defendants.)	

STIPULATION AND ORDER TO CONTINUE PRELIMINARY HEARING

This is the 2nd request for a continuance filed herein.

IT IS HEREBY STIPULATED AND AGREED by and between Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America; Thomas F. Pitaro, Esq., counsel for Defendant FRED OAXACA; Rebecca A. Levy, Assistant Federal Public Defender, counsel for defendant MARCUS HAMMON; David R. Fischer, Esq., counsel for Defendant MARTIN GARCIA; and Maysoun Fletcher, Esq., counsel for Defendant LUIS CUEVAS, that the Preliminary Hearing currently scheduled for May 26, 2016 at 4:00 p.m be vacated and reset to a date and time convenient to the Court but no earlier than thirty (30) days.

This Stipulation is entered into for the following reasons:

- 1 1. The Parties need additional time to prepare in advance of any preliminary hearing,
- 2 taking into account due diligence;
- 3 2. Discovery has been provided to Defense Counsel, but additional time is required to
- 4 adequately review it;
- 5 3. The Defendants are in custody, but they do not object to the continuance;
- 6 4. Denial of this request for continuance could result in a miscarriage justice;
- 7 5. The additional time requested by this stipulation is excludable in computing the time
- 8 within which trial herein must commence pursuant to the Speedy Trial Act, Title 18,
- 9 United States Code, Section 3161 (h)(1)(F) and Title 18, United States Code Section
- 10 3161 (h)(8)(A) considering the factors in Title 18, United States Code, Sections 3161
- 11 (h)(7)(B)(I) and 3161 (h)(7)(B)(iv);

12 This is the second request for continuance filed herein.

13 DATED: May 23, 2016.

14
15 _____
16 /S/
17 PHILLIP N. SMITH, JR.
18 Assistant United States Attorney
19 Counsel for the United States

 /S/
 THOMAS F. PITARO, ESQ.
 Counsel for Defendant OAXACA

20 _____
21 /S/
22 REBECCA A. LEVY, AFDP
23 Counsel for Defendant HAMON

 /S/
 DAVID R. FISCHER, ESQ.
 Counsel for Defendant GARCIA

24 _____
25 /S/
26 MAYSOUN FLETCHER, ESQ.
27 Counsel for Defendant CUEVAS

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FRED OAXACA, et al.,)	
)	
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Defendants.)	
_____)	

ORDER

Based on the pending Stipulation of counsel, and good cause appearing, IT IS HEREBY ORDERED that the Preliminary Hearing currently scheduled for May 26, 2016, at 4:00 p.m., be vacated and continued to the 27th day of June, 2016, at 4:00 p.m., in courtroom 3A.



GEORGE FOLEY, JR.
United States Magistrate Judge